



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during June 2014**  
**DISTRIBUTED: July 16, 2014**

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*This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [peter.j.carney@maine.gov](mailto:peter.j.carney@maine.gov) for additional information regarding the activities listed in this report.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):**

*Air:*

**Naval Computer and Telecommunications Area Master Station Atlantic Detachment, Cutler, Maine.** Naval Computer and Telecommunications Area Master Station Atlantic Detachment ("NCTAMS LANT DET") violated the terms of its Department-issued air emission license by failing to timely submit a stack testing report for the facility's diesel engines. To resolve the violation, NCTAMS LANT DET paid \$2,500. The agreement provides that the settlement neither constitutes an admission of liability by NCTAMS LANT DET in any administrative or judicial proceeding, nor a waiver of sovereign immunity by NCTAMS LANT DET from state-levied penalties.

*Hazardous Waste:*

**Surface Cleaning Experts, Inc. dba Audette/S.C.E., Inc., Gray, Maine.** Surface Cleaning Experts, Inc. dba Audette/S.C.E., Inc. ("Audette/S.C.E., Inc.") violated the Department's *Standards for Generators of Hazardous Waste* by: failing to make hazardous waste determinations on containers of waste chemicals and other materials; treating and disposing of hazardous waste on-site without a license; using a container for the storage of hazardous waste beyond its design life; storing hazardous waste for more than ninety days; failing to design, construct, maintain, and operate a facility to minimize the possibility of a fire, explosion, or any release of hazardous waste; failing to manage hazardous waste in a manner to minimize risk to the environment; failing to store hazardous waste on a firm working surface constructed to prevent spillage from leaving the area and providing secondary containment; and failing to conduct and document inspections of hazardous waste containers. In addition, Audette/S.C.E., Inc. violated the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by releasing hazardous waste to the ground, failing to report a discharge of hazardous matter, and failing to undertake the immediate removal of a discharge of hazardous matter. Following Department involvement, Audette/S.C.E., Inc. submitted to the Department a written response indicating it had taken corrective actions including inventorying materials, constructing storage areas that meet the requirements for hazardous waste storage, shipping approximately 3,840 pounds of hazardous waste to a licensed hazardous waste facility, removing visibly or potentially contaminated soil, and submitting to the Department a report of soil and water samples showing



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contaminant levels below exposure limits established by Department remedial action guidelines. To resolve the violations, Audette/S.C.E., Inc. agreed to pay \$9,250 as a civil monetary penalty, according to a payment schedule.

*Land:*

**Suffolk University, Passadumkeag, Maine.** Suffolk University ("Suffolk") violated Maine's *Natural Resources Protection Act* by dredging, filling, bulldozing, or otherwise displacing soil, sand, or vegetation in and adjacent to a river, stream or brook without first obtaining a permit from the Department. Suffolk also violated Maine's *Protection and Improvement of Waters* law by discharging a pollutant, namely soil, to waters of the State without first obtaining a permit from the Department. Finally, Suffolk violated Maine's *Erosion and Sedimentation Control* law by conducting an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. A Department inspection documented that an approximately 15-foot wide by 45-foot long causeway had been constructed across a side channel of the Penobscot River, that approximately 100 linear feet of river bottom below the causeway had been dredged and the material was used to construct the causeway, and that an access to the causeway had been constructed along the river's floodplain with an approximate 200-foot portion within seventy-five feet of the river. Subsequent to Department involvement, Suffolk submitted to the Department, and Department staff approved, a restoration plan and erosion control plan. To resolve the violations, Suffolk agreed to implement the approved restoration plan and paid \$3,575 as a civil monetary penalty.

**District Court Enforcement Resolutions (party followed by location):**

*Asbestos:*

**State of Maine, Department of Environmental Protection v. Abatement Professionals Corp., South Portland, Maine.** Abatement Professionals Corp. ("AP") violated the Department's *Asbestos Management Regulations* by failing to clean visible debris immediately upon completion of removal of containment of a regulated area until there is no visible debris present. A Department inspection documented that AP did not clean up visible debris following an asbestos abatement activity involving the removal of 180 square feet of asbestos-containing linoleum from a kitchen in a residence. Following Department involvement, AP cleaned up visible debris and conducted a visual evaluation and air clearance sampling the results of which met clearance standards. In a Consent Decree and Order entered into by the parties, and approved by the court, AP agreed to pay \$2,000 as a civil monetary penalty, according to a payment schedule.